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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,808	07/22/2003	David Alan Bailey	ROC920030220US1	6643

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EXAMINER

DOAN, DUC T

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,808

Applicant(s)

BAILEY ET AL.

Examiner

Duc T. Doan

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1-21 are in the application.

Claims 1-21 are rejected.

Claim Rejection 35 USC 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11,16,19 are not limited to tangible embodiments. In view of applicants' disclosure, specification page 9 lines 1 to 8, the program product is in the form of a signal bearing media whereas the signal bearing media is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., floppy disk, page 9, line 7) and intangible embodiments (e.g., transmission media, page 9, line 8). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10,14-15 rejected under 35 U.S.C. 102 (b) as being anticipated by Tarui et al (US Pub 2002/0112102).

As for claim 1, Tarui describes an apparatus comprising: at least one processor (Fig 1: #10, #11); a memory coupled to the at least one processor (Fig 1: #30); a plurality of logical partitions defined on the apparatus (Fig 2c: #331,332 partitions 0,1); an I/O reconfiguration mechanism that reconfigures identified I/O (Tarui's page 3, paragraph 53); and a logical partition suspend/resume mechanism that suspends at least one of the plurality of logical partitions before the I/O reconfiguration mechanism reconfigures the identified I/O, and that resumes all suspended logical partitions after the I/O reconfiguration mechanism reconfigures the identified I/O (Tarui's page 5, paragraph 84).

As for claims 2-3, the claims recite wherein the logical partition suspend/resume mechanism suspends all of the plurality of logical partitions (claim 2); wherein the logical partition suspend/resume mechanism suspends only the logical partitions that own the identified I/O (claim 3). Tarui describes the access partition discriminator for allocation i/o adapters to the partitions (Tarui's page 5, paragraph 81). Tarui further describes a method of stop using i/o adapters in any number of partitions, reconfiguring i/o adapters in the partitions via access

partition discriminator, and allowing the OS to start using the i/o adapters (Tarui's page 5, paragraph 84).

As for claim 4, the claim rejected based on the same rationale as in the rejection of claim 1. Tarui further describes the partition manager performing the steps of: (1) detecting when identified I/O requires reconfiguration (Tarui's page 5, paragraph 83 describes a dynamic hot-plugging of i/o adapters);

Claims 5,6,10 rejected based on the same rationale as in the rejection of claims 1-3.

Claim 7 rejected based on the same rationale as in the rejection of claim 2.

Claims 8,14 rejected based on the same rationale as in the rejection of claim 3.

Claims 9,15 rejected based on the same rationale as in the rejection of claim 4.

Conclusion

When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin L. Ellis
Primary Examiner

Kevin L. Ellis